



Entered on Docket
January 22, 2008

Hon. Linda B. Riegle
United States Bankruptcy Judge

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7 Steven C. Strong, Utah Bar No. 6340
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12 Attorneys for Debtors and Debtors-in-Possession

13 **UNITED STATES BANKRUPTCY COURT**
14 **DISTRICT OF NEVADA**

15 In re:
16 USA COMMERCIAL MORTGAGE COMPANY,
17 Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

18 In re:
19 USA CAPITAL REALTY ADVISORS, LLC,
20 Debtor.

Chapter 11

21 In re:
22 USA CAPITAL DIVERSIFIED TRUST DEED
23 FUND, LLC,
24 Debtor.

Jointly Administered Under
Case No. BK-S-06-10725 LBR

25 In re:
26 USA CAPITAL FIRST TRUST DEED FUND,
27 LLC,
28 Debtor.

**ORDER GRANTING USA CAPITAL
REALTY ADVISORS, LLC'S MOTION
FOR SUMMARY JUDGMENT**

29 In re:
30 USA SECURITIES, LLC,
31 Debtor.

**(Affects USA Capital Realty Advisors,
LLC)**

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC

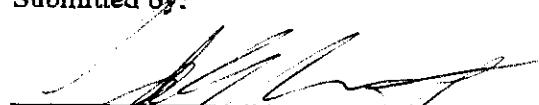
Date of Hearing: December 20, 2007
Time of Hearing: 9:30 a.m.

1 USA Capital Realty Advisors, LLC's ("USA Realty") Motion for Summary Judgment (the
 2 "Motion") having come before this Court on December 20, 2007 at 9:30 a.m.; Lenard E.
 3 Schwartzzer, Esq. of Schwartzzer & McPherson Law Firm appearing for USA Realty, there being no
 4 other appearances; the Court having found that proper notice was given to the parties in interest,
 5 there being no opposition; the Court finding there is no issue as to any material fact and the
 6 moving party is entitled to judgment as a matter of law and good cause appearing, it is

7 **ORDERED** that the Motion be, and hereby is, granted; and it is further

8 **ORDERED** that proofs of claim numbered 41 and 57 filed by the Margaret B. McGimsey
 9 Trust in the amount of \$96,094.75 each; 42 and 56 filed by Sharon or Jerry McGimsey in the
 10 amount of \$311,091.58 each; 43 and 55 filed by Johnny Clark in the amount of \$99,467.90 each;
 11 and 44 and 54 filed by Bruce McGimsey in the amount of \$86,171.22 each are hereby disallowed.

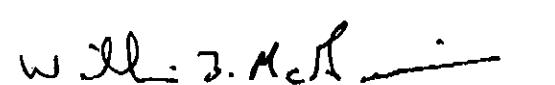
12 Submitted by:

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19 and

20 Annette W. Jarvis, Utah Bar No. 1649
 21 Steven C. Strong, Utah Bar No. 6340
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26 Approved / Disapproved

27 
 28 William L. McGimsey, Esq.
 29 McGimsey Law Offices
 30 516 So. Sixth Street, #300
 31 Las Vegas, Nevada 89101
 32 Attorneys for McGimsey claimants
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1 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

2 The court has waived the requirement of approval under LR 9021.

3 No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
5 unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each
6 has approved or disapproved the order, or failed to respond, as indicated below [list each party and
7 whether the party has approved, disapproved, or failed to respond to the document]:

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